

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**RAYNUS B. HOLLOWAY,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **NETBANK, EVERBANK, EVERHOME** )  
 **MORTGAGE COMPANY, MURPHY,** )  
 **DEZONIA & WEBB, SHAPIRO &** )  
 **KIRSCH, LLP, MORTGAGE** )  
 **ELECTRONIC REGISTRATION** )  
 **SYSTEMS, INC., KATHLEEN R.** )  
 **WEBB, and JOHN DOES 1-20,** )  
 )  
 **Defendants.** )

**No. 12-2960-STA-tmp**

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**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATION DISMISSING PLAINTIFF’S COMPLAINT FOR FAILURE TO  
STATE A CLAIM**

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On November 2, 2012, Plaintiff Raynus B. Holloway (“Plaintiff”) filed a *pro se* complaint (D.E. #1) and Motion seeking leave to proceed *in forma pauperis* (D.E. # 2). The Complaint seeks to prohibit a nonjudicial foreclosure of real property located at 7545 Britney Woods Circle, Bartlett, Tennessee. The Court granted Plaintiff’s Motion for Leave to Proceed *in forma pauperis* on November 5, 2012. On March 28, 2013, the Court referred the case to Magistrate Judge Tu M. Pham for case management and for all pretrial matters for determination and/or report and recommendation as appropriate.

The Magistrate Judge made a *sua sponte* review of plaintiff’s Complaint to determine

whether the complaint should be dismissed because it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief pursuant to 28 U.S.C. § 1915(e)(2)(B). On December 10, 2013, the Magistrate Judge entered a Report & Recommendation (D.E. # 5), recommending that the Complaint be dismissed for failure to state a claim for relief.

The parties have not filed objections to the Report and Recommendation. The Court hereby adopts the Magistrate Judge's Report and Recommendation pursuant to Fed. R. Civ. P. 72(b)(3). Consistent with the Report and Recommendation, Plaintiff's Complaint is **DISMISSED.**

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: January 9, 2014.